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MEMORANDUM ENDORSEMENT

MM v. Mayorkas et al, 7:24-cv-02090 (NSR)

Defendants' motion to dismiss is DENIED without prejudice to renew for failure to follow my Individual Practices. See Sec. 3.A.ii. The motion is denied without prejudice subject to refile on the reply date as set forth in the briefing schedule below.

The Court waives the pre-motion conference requirement and grants Defendants leave to file a motion to dismiss in accordance with the following briefing schedule:

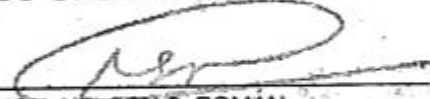
- (1) Plaintiff's opposition papers are to be served (not filed) on November 1, 2024; and
- (2) Defendants' reply papers are to be served on November 22, 2024.

All motion papers are to be filed by the parties on the reply date, November 22, 2024. The parties are directed to provide Chambers with two physical courtesy copies of their motion papers on the same date they are served on opposing counsel. The parties are further directed to provide the Court with an electronic courtesy copy of the motion papers as they are served per this Court's local emergency civil rules.

The Clerk of Court is respectfully directed to terminate the motion at ECF No. 20.

Dated: October 3, 2024
White Plains, NY

SO ORDERED:



HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MM,

Plaintiff,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

No. 24 Civ. 2090 (NSR)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Declaration of John Elliot, dated September 27, 2024 and exhibits attached thereto, the declaration of John L. Lafferty dated July 26, 2024, and all prior pleadings and proceedings herein, Defendants Alejandro Mayorkas, Secretary, U.S. Department of Homeland Security, Ur M. Jaddou, Director, U.S. Citizenship and Immigration Services (“USCIS”); Susan Raufer, Director, USCIS Newark Field Office, and Matthew Varghese, Director, USCIS New York Asylum Office, by their attorney, Damian Williams, United States Attorney for the Southern District of New York, hereby move this Court for an order dismissing the amended complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

Dated: New York, New York
September 30, 2024

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Respondents

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